

The Gila Wild and Scenic River Bill

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In the American Southwest, one of the biggest blessings- and natural resources- has turned into a conflict of interest among some prominent groups, which, in turn, has created an atmosphere of urgency to protect whatever little or large amount of it one may have: water. From the simplicity of water has stemmed many issues: lawsuits, bills, laws, policies, and coalitions. There has been an abundant increase in awareness, as well as money thrown into the fight over water rights between states, parties of interest, and even people with political standing. An area that is gaining power and political hype on the national level and for states across the nation, coalitions of interest, and agriculturally based businesses in these areas has to do with the Gila River in southwest New Mexico. The anticipation in regard to the importance of water has been building over the years, as “there are currently 203 river segments protected by the WSR Act comprising approximately 12,600 miles in 38 states and the Commonwealth of Puerto Rico. These segments of river represent a diversity of ecosystems found throughout the U.S., from the artesian spring fed Fossil Creek in the desert of Arizona to the Rio de la Mina in the tropics of Puerto Rico, which provides habitat for parrots and shrimp. Another 3,400 additional segments have been identified as potential additions, in all 50 states including the District of Columbia, highlighting the importance for policymakers to have the ability to accurately assess the economic impacts of such designation in order to make informed decisions on future policy” (Malm, 2012, p. 2). For southwest New Mexico, the actual worry of fighting for their water has just now been brought to their doorstep within this legislative session.

As the awareness of water heritage and legacy gains momentum, specifically as the farmers, ranchers, and miners are having their rights for their means of living put on a platform and prosecuted, the New Mexico Wild is playing behind the scenes by trying to deem the Gila

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River wild and scenic. The Gila River that runs through 5 counties is set to be for consideration since it meets the “criteria for a river or segment of river to be designated include: a free flowing nature and one or more Outstanding Remarkable Value (ORV). These values include: scenery, 3 recreation, geology, fish, wildlife, historic and cultural values among others. If the river is found eligible and suitable for inclusion in the national inventory of rivers, one or a combination of three designations are assigned: ‘Wild’, ‘Scenic’ or ‘Recreational’” (Malm, 2012, p. 2-3). By reinstating the Gila River as wild and scenic, they would be creating more problems and not actually turning the river “wild and scenic” as the bill’s name might suggest. In a recent interview, according to Charlotte Griffin, a founding member of the Heritage Waters Coalition, her family ranch and many others would be in jeopardy of losing water, means of energy, and a large factor in their income, playing a major role in the gross domestic product of the counties that the river runs through. When it comes down to deciding when the bill is going through the Senate, whether the costs are going to outweigh the benefits during a cost-benefit analysis is a crucial part of both parties. Looking into the details that lead the overall, bigger picture of the welfare of the counties that have been using the Gila River as means of survival and to fuel their income, it is prevalent that the costs of turning the Gila “wild and scenic” heavily outweigh the benefits of leaving the river as it has been for years.

The purpose of the coalition that was formed to prevent the river from being deemed “wild and scenic” is to keep the people of the 5 counties that the Gila River runs through afloat, trying to make sure that they are able to keep their water rights and their heritage that has kept the people of southwest New Mexico alive for decades. A review was done by the Forest Service after people began to get suspicious of the sudden changes to the river legacy, according to

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Heritagewaters.org “based on the Forest Service review under 200 miles might be considered as eligible under the definition of the act but certainly not 400+ miles,” therefore raising even more eyebrows after this one review was done by a credible resource. After investigating into the issue further, supporters and folks associated with Heritage Water Coalition were able to gather that the New Mexico Wild had not actually done any research for their campaign of turning the river wild and scenic, but instead had volunteers roam the river rather than conducting an EIS survey to actually have some authority on the decision in the first place. Without the grounds to stand on, the whole argument for turning the Gila is an invalid one, providing a possible loophole for the long-term in case the bill does get passed and needs to be appealed, this could be means for misconducting a survey and creating falsified information. By not providing the basic necessity of research and actual benefits, it already provides a weak argument against the Heritage Waters Coalition. Furthermore, there are plenty of other areas that support the shadiness and rent-seeking that will be created from passing the S. 3670 M.H. Dutch Salmon Greater Gila Wild & Scenic River Bill, while also completely surpassing obvious facts that point to the costs of the bill, heavily outweighing the scales of justice when also taking into consideration the benefits of leaving the river how it is and has been for decades and decades.

The importance of water is very easy to acknowledge, especially the huge role that water plays in the economy of the Southwest United States in particular. While it is difficult to navigate the impact of rules and regulations on other natural resources, river water has a definite weight on an individual, an operation, a business, community livelihood, society, a nation, and even culture. On the individual level, there are three arguments coursing in the veins and leading to the Achilles’ heel of the bill from a microeconomics standpoint for these five counties that hurt

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the individuals that are already established and functioning because of the river. Looking from an owner's point of view, land is very beautiful and expensive along the Gila River, if the river segment on their property would be seen as a "wild and scenic" worthy part of the water flow, the value of the property would decline immensely. Once they have established the river piece as wild and scenic, the current owners are allowed to hold the water rights and access that they have to the river, but once they sell it, it is no longer going to have the water rights with it, exponentially decreasing the value of the land in southwest New Mexico. Another big issue is that once the segments on what was once private property, the public has access to private property, creating corridors that have "boundaries may be wider or narrower, but are not to exceed the 1/4 mile buffer average without approval by Congress" (Moryc, 2008, p. 3). In other words, where it was once called trespassing, is now promoted and encouraged by Congress and supported by a bill, which could be viewed as a form of taking. According to Cornell Law School "taking is when the government seizes private property for public use," but the just compensation that the farmers and ranchers along the Gila will be paid is not going to be able to come anywhere near the revenue that they would have been able to generate or the legacy that they would be able to leave behind for generations to come. The third and final flawed pillar that their argument lacks on the microeconomic level is the extreme loss that these counties, namely Grant County will suffer on the individual level of income. Once the river has been deemed "wild and scenic", the mine will lose all of its water and be redirected into Bill Evans Lake, shutting the mine down. After the mines are shut down and the jobs created from the recreational works the water will now be used for, they are not going to be able to support as many individuals as the mine was, not to mention at much lower salaries, leading to poorer individual

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incomes for those able to snatch a job and not forced to move from Grant County and uproot their families and heritage to go find new forms of work. The S. 3670 M.H. Dutch Salmon Greater Gila Wild & Scenic River Bill will start tearing apart these communities at the individual level and then completely destroy the society, comradery, and rich culture that they had created in these counties.

Once the bill would be put into play, the initial splash that is affecting these farmers, ranchers, business owners, workers, and members of society individually, the ripple effect is about to be widespread and easy to spot in the gross domestic product of these counties. By hurting the heart and soul of these communities through targeting the individuals, who will eventually run out of sources to file lawsuits against the instigators, the New Mexico Wild is opening a can of worms that will cut to the core of the finances of the county and eventually suffocate them out of business and turn towns in Grant County, like Silver City, into a ghost town. With the most direct hit, when the mine water is redirected to the Bill Evans Lake, they will be shutting down the sector of the income that provides 44% to the GDP of Grant County, and there is no way that recreational activities in a ghost town will suffice to cover that potential ginormous loss. After the segments of the river have been divvied as “wild and scenic” there is going to be a crackdown on farming and ranching practices in these areas and a new set of eyes will be in charge, the federal government after the allotment, to make things even harder for the blue-collard workers that are heavily involved in these communities (bringing in 30% of the GDP for Grant County). Businesses, like Griffin’s Propane, will suffer from the enactment of this bill, driving the GDP lower and lower in every major sector contributor, also leading to an expected sharp decline in population of these areas since the businesses will be scrambling for

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new tactics, jobs closing, and the sharp decline in the value of property along the river. When a group of strong-minded, uninformed insurgents come together to change a way of life for a culture-rich society and snatch the attention of very influential, rich people in society and create an opportunity for rent-seeking of both parties, problems are going to arise and a fight is going to break out as the original members of the community have their established way of life threatened.

When the senators of New Mexico, Tom Udall and Martin Heinrich, were eager to support the transformation of turning the Gila River wild and scenic, there was suspicion raised in the party sitting across the table. With a large portion of their campaigns funded heavily by Native American tribes from the southwestern United States, it does not take much digging to see the underlying role that the financial support from the Native American tribes plays in their stance on this position. Turning the Gila wild and scenic will lead to a large amount of the water being redirected and flowing onto the San Carlos Indian reservation in Arizona, where they have planned to capture the water, that was once for farmers and ranchers to utilize for means of survival for decades, to sell to Phoenix for leisure use like in swimming pools and on golf courses. Heinrich and Udall have openly expressed their extreme support and concern for the Native American rights, but did not mention their own rents that they are creating from their support in these bills, rather using the cover up of taking “pride in working with our tribal communities, and will continue to advocate on their behalf on issues such as education, water access, housing, infrastructure, public safety, and cultural preservation, as well as defend and protect tribal sovereignty,” as Heinrich has been quoted saying on his Senator website. Instead of worrying about his stomping grounds and protecting the people that got him put in office, Udall

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is choosing to support Indians and lining his pockets, saying he was carrying on “his longtime mission of responding to the priority concerns of Native Americans, including economic development, trust responsibilities, land management, Indian education and health programs,” but all the while stepping on his constituents to build himself up.

The Heritage Water Coalition was formed out of the ashes that were left by the greed of politicians, the ulterior motives of the San Carlos Reservation, trying to protect the land and people that have made the Gila River so special and productive all of these years. When speaking with one of the founding members, Charlotte Griffin, she said that they are going to be looking to appeal to the common senses of the legislature in D.C. through hiring a lobbyist who has an agricultural background and can explain the importance of leaving the Gila River the way that it is. Taking the approach that will appeal to the common sense of law makers seems the most logical, conservative, and useful. Choosing this approach, the coalition will be able to address the stress that the bill will put on the GDP of the counties, and all of the businesses, farms, and ranches that will be destroyed from it. If this bill ends up passing, it could bring forth a new fashion of life in southwest New Mexico, beyond just changing the concept of a river. The S. 3670 M.H. Dutch Salmon Greater Gila Wild & Scenic River Bill truly shows the importance and large gain of power that water can provide in modern times.

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